

FELONY BAIL SCHEDULE  
COUNTY OF IMPERIAL

This schedule is adopted by the Consolidated Courts of the County of Imperial pursuant to Section 1269b (c) of the Penal Code and is to be utilized pursuant to Section 1269 in setting bail for the release of prisoners arrested on felony charges, without warrant, for the alleged commission of any bailable offense.

THIS SCHEDULE IS REVISED AND EFFECTIVE BEGINNING September 23, 2005.

RULES OF APPLICATION

Rule 1:           If no presumptive bail is specified in this schedule for a particular offense, bail shall be set by reference to the upper state prison term for the offense, as follows:

<u>Upper Term</u>	<u>Presumptive Bail</u>
3 years	\$10,000
4 years	20,000
5 years	25,000
6 years	30,000
7 years	35,000
8 years	40,000
9 years	50,000
11 years	60,000
12 years	65,000
16 years	70,000
All life sentences except 187 P.C.	500,000

Rule 2:           If a peace officer has reasonable cause to believe the amount of bail in this schedule is insufficient to assure a defendant's appearance or to assure protection of a victim or family member of a victim, the declaration procedures set forth in Penal Code Section 1269c shall

be utilized. If a defendant believes bail is excessive, he or she (personally or through an attorney, friend or family member) may also exercise the application procedures set forth in the aforesaid code section. Bail shall not be modified (nor shall a defendant be released on his or her own recognizance), where a defendant is charged with a felony enumerated in Penal Code Section 1270.1, without compliance with the hearing procedures set forth in that section.

Rule 3: Where a person is arrested for violation of a Health & Safety Code provision and otherwise fits the description set forth in Penal Code Section 1275 (c), and a peace officer has reasonable cause to believe the consideration for bail was feloniously obtained, the peace officer shall prepare a declaration as contemplated by said section. The defendant (personally or through an attorney, friend, or family member) may also make application under the section. In the event such a declaration or application is made, further provisions of the law shall apply.

Rule 4: Except as otherwise provided by this schedule, a defendant charged with conspiracy (P.C. 182), solicitation (P.C. 653 (f) or attempt to commit (P.C. 664) shall have bail set in an amount equal to the bail for the substantive offense which was the object of the conspiracy, solicitation or attempt. (The presumptive bail for conspiracy to commit a misdemeanor shall be \$10,000.)

Rule 5: Bail for persons arrested as accessories shall be set at half the amount of the sum of the bail for the principal offense, or \$10,000, whichever is greater.

Rule 6: In the event of an arrest for the commission of more than one crime, the single higher/highest bail shall apply.

Rule 7: If it is evident (from facts provided by the arresting officer and/or from available reports or records) one or more enhancements referenced in this schedule are applicable, the bail increase specified for each applicable enhancement shall be added to the bail set for the principal offense.

<b><u>PENAL CODE SECTIONS</u></b>	<b><u>DESCRIPTION OF VIOLATION</u></b>	<b><u>PRESUMPTIVE BAIL</u></b>
		<b>FROM/TO</b>
67/67.5	Bribery of executive officer; ministerial officer	\$10,000
68	Public officer or employee accepting or soliciting bribe	10,000
69	Resisting with force	5,000
92;93	Judicial officer or juror offering or accepting a bribe	50,000
118/120	Perjury; subordination of perjury	20,000
136.1 (C)	Witness intimidation	25,000
149	Assault by officer under color of authority	20,000
187	Murder with special circumstances . . . All other murders	NO BAIL 1,000,000
664/187	Attempted murder	250,000 <del>—</del>
191.5	Vehicular homicide (DUI with gross negligence)	100,000
192 (b)	Manslaughter – voluntary	100,000
192 (b)	Manslaughter – involuntary	50,000
192 (c) (1)	Manslaughter – driving with gross negligence	30,000
192 (c) (3)	Vehicular homicide (DUI without gross negligence)	20,000

203	Mayhem	50,000
205	Aggravated mayhem	250,000
206	Torture	250,000
207	Kidnapping	100,000
207 (b)	Kidnapping victim under 14	150,000
209	Kidnapping for ransom or robbery . . . With GBI or death	250,000 NO BAIL
209.5	Kidnapping during carjacking	150,000
210.5	False imprisonment-victim as shield	100,000
211	Robbery . . . 212.5 (a) (b) 1 <sup>st</sup> degree . . . 212.5 (c) 2 <sup>nd</sup> degree	50,000 20,000
215	Carjacking	60,000
219	Throwing missile at common carrier	25,000
220	Assault with intent to commit rape	25,000
236/237	False imprisonment by force or violence	15,000
241.1	Assault on custodial officer	20,000
243/243.1	Battery on peace officer, firearm or custodial officer	25,000
243.4	Sexual Battery	25,000
244	Assault with chemicals	25,000
245 (a) (1)	Assault with deadly weapon or force likely to produce GBI	20,000
245 (a) (2)	Assault with a firearm	25,000
245 (b)	Assault with deadly weapon against peace officer or firearm	50,000
246	Discharging firearm at inhabited dwelling or vehicle	50,000
261	Rape	50,000

261.5	Unlawful Sexual Intercourse	10,000
262	Spousal Rape	50,000
264.1	Rape in concert with force or violence	50,000
266h/266i	Pimping or pandering	10,000
266j	Making child available for lewd acts	30,000
269	Aggravated sexual assault on a child	250,000
273a (a)	Willful harm to child likely to cause GBI or death	35,000
273 (d)	Infliction of corporal injury to child	15,000
273.5	Infliction of injury to spouse, co-habitant or parent of a child	25,000
273.55	Spousal battery with prior	50,000
278	Child concealment	15,000
278.5	Child concealment by parent in violation of custody order	20,000
285	Incest	20,000
286	Sodomy	
286b (1)	. . . Victim under 18	35,000
286b (2)	. . . Victim under 16	50,000
286 (c)	. . . Victim under 14 or by force	75,000
286 (d)	. . . In concert – forcible	75,000
286 (e)	. . . While incarcerated	35,000
286 (f)	. . . Victim Unconscious	35,000
288	Lewd acts	
288 (a)	. . . Victim under 14	40,000
288 (b)	. . . Forcible	50,000
288 (c)	. . . Victim 14 or 15 and defendant more defendant more than 10 years older	35,000
288a	Oral copulation	
288a (b) (1)	. . . Other person under 18	20,000
288a (b) (2)	. . . Other person under 16 and defendant over 21	25,000
288a (c)	. . . Victim under 14 by force, violence or fear	50,000
288a (d)	. . . In concert by force or fear	75,000

288a (e)	. . . Committed in state prison or county jail	10,000
288.5	Continuous sexual abuse of a child	100,000
289/289.5	Rape by foreign object	50,000
311.4 (b) or (c)	Employing a minor for pornography	25,000
347	Mingling poison with food or drink	20,000
	. . . Substance likely to cause GBI or death	50,000
422	Terrorist threats	10,000
451	Arson	
451 (a)	. . . That causes great bodily injury	100,000
451 (b)	. . . Involving inhabited property	100,000
451 (c)	. . . Of a structure or forest land	50,000
451 (d)	. . . Other property	25,000
452	Reckless causing a fire	
452 (a)	. . . That causes great bodily injury	50,000
452 (b)	. . . Involving inhabited property	25,000
452 (c)	. . . Of a structure or forest land	20,000
453	Possession of a firebomb	25,000
459	Burglary	
	. . . 1 <sup>st</sup> Degree (residential)	25,000
	. . . 2 <sup>nd</sup> Degree	10,000
475	Forged bills and notes, possession	5,000
484i	Counterfeiting access cards	5,000
487	Grand theft (all types)	5,000
496	Receiving stolen property	5,000
504	Embezzlement of public funds	5,000
518	Extortion	5,000
646.9 (a)	Stalking	25,000
646.9 (b)	. . . In violation of restraining order	50,000
646.9 (c)	. . . With prior conviction	100,000
666	Petty theft with prior	5,000
4500	Assault by life term prisoner	NO BAIL

4501	Assault with deadly weapon by prison inmate	NO BAIL
4502	Possession of weapon by prison inmate	NO BAIL
4503	Holding of hostages by prison inmate	NO BAIL
4530	Escape by state prison inmate	NO BAIL
4532	Escape from local custody	
4532 (a) (1)	. . . Custody offense is a misdemeanor	10,000
4532 (a) (2)	. . . By force or violence	50,000
4532 (b) (1)	. . . Custody offense is a felony	25,000
4532 (b) (2)	. . . By force or violence (where custody offense is a felony)	100,000
4573	Smuggling controlled substances where prisoners are kept	15,000
4573.6	Possessing controlled substances where prisoners are kept	10,000
4573.9	Selling controlled substances in prison or jail	25,000
4574	Smuggling weapon into prison or jail	50,000
12020	Manufacture or possession of deadly weapon	5,000
12021	Ex-felon in possession of a firearm	15,000
12303	Possession of destructive device	50,000
12303.1	Possession or carrying a destructive device on a transportation vehicle	50,000
12303.2	Possession of destructive device in public place	75,000
12303.3	Explosion of destructive device	100,000
12303.6	Sale or transportation of prohibited destructive devices	35,000
12308	Explosion of destructive device with intent to commit murder	250,000
12309	Explosion of destructive device which causes	

. . . Death	NO BAIL
. . . Mayhem or great bodily injury	250,000

**HEALTH AND SAFETY CODE VIOLATION – FELONY**

<b><u>SECTION</u></b>	<b><u>DESCRIPTION OF VIOLATION</u></b>	<b><u>AMOUNT OF BAIL</u></b>
11350	Possession of specific controlled substances	\$5,000
11351	Possession for sale or transportation of specific controlled substances	
	. . . Less than one ounce (14. 23 gms)	15,000
	. . . One ounce or more	25,000
	. . . ½ pound (8 oz. )	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs. ) or more	200,000
	. . . Over 3 pounds	250,000
	. . . Over 10 pounds	500,000
	. . . Over 25 pounds	1,000,000
11351.5	Possession for sale of cocaine base	
	. . . Less than 1 ounce	15,000
	. . . 1 ounce or more	25,000
	. . . ½ pound (8 oz. ) or more	100,000
	. . . 1 pound (454 gms.) or more	150,000
	. . . 1 kilogram (2.2 lbs. ) or more	200,000
	. . . Over 3 pounds	250,000
	. . . Over 10 pounds	500,000
	. . . Over 25 pounds	1,000,000
11352	Illegal transportation or sale, of specific or classified controlled substances	
	. . . Less than 1 ounce	20,000
	. . . 1 ounce or more	25,000
	. . . ½ pound (8 oz. ) or more	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs. ) or more	200,000
	. . . Over 3 pounds	250,000
	. . . Over 10 pounds	500,000
	. . . Over 25 pounds	1,000,000
11353	Inducing a minor to violate narcotic law	25,000
11354	Inducing a minor to sell narcotics	10,000
11358	Cultivation of marijuana	
	. . . Less than 50 plants	5,000
	. . . 50-200 plants	40,000



	. . . More than 200 plants	75,000
11359/11360	Possession for sale or transportation of marijuana	10,000
	. . . Over 25 pounds	25,000
11361	Use of minor in transportation or sale of marijuana	25,000
11370.6	Possession greater than \$100,000 worth of controlled substance	25,000
11371.1	Soliciting minor (prescription fraud)	10,000
11378/11379	Possession for sale, sale of, or transportation of dangerous drugs (stimulants)	
	. . . Less than 1 ounce (28.5 grams)	15,000
	. . . 1 ounce or more	25,000
	. . . ½ pound (8 oz. ) or more	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs. ) or more	200,000
	. . . Over 3 pounds	250,000
	. . . Over 10 pounds	500,000
	. . . Over 25 pounds	1,000,000
11379.5	Sale or transportation of P. C. P.	
	. . . Less than 1 ounce of liquid	15,000
	. . . Less than 8 ounces of liquid	25,000
	. . . 8 ounces of liquid or more	50,000
	. . . 1 qt. (32 oz. ) liquid or more	75,000
	. . . 1 gal. of liquid or more	100,000
	. . . Over 9 gallons	250,000
	. . . Over 33 1/3 gallons	500,000
	. . . Over 62.5 gallons	1,000,000
11379.6 (a)	Manufacture of controlled substances	100,000
	. . . Over 3 lbs. or 9 gallons	250,000
	. . . Over 10 lbs. or 33 1/3 gallons	500,000
	. . . Over 25 lbs. or 62.5 gallons	1,000,000
11379.6 (b)	Offer to manufacture controlled substance	25,000
11380	Use of minor in Health & Safety Code violation not involving PCP	25,000
11383	Possession of precursors with intent to manufacture PCP or methamphetamine	50,000

BUSINESS AND PROFESSIONS CODE VIOLATIONS - FELONY

<u>CODE SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
4390	Forging of prescription	\$5000

VEHICLE CODE VIOLATIONS - FELONY

<u>CODE SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
4463	False evidence of registration	5,000
2800.2	Evading a peace officer; reckless driving	15,000
10801	Chop shop operation	25,000
10851	Auto theft	15,000
20001	Hit-run, injury or death	25,000
23110 (b)	Throwing a missile or shooting at vehicle with intent to do GBI	25,000
23152	Driving under the influence of alcohol/ drugs with 3+ priors	25,000
23153 (a)	DUI with injuries (drugs or alcohol)	25,000
23153 (b)	DUI with injuries (BA over .08)	25,000

WELFARE AND INSTITUTIONS CODE VIOLATIONS - FELONY

<u>CODE SECTIONS</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
11054	Perjury – Affirmation of Eligibility	10,000
10980 (c)	Welfare fraud	10,000

ENHANCEMENTS – FELONIES ONLY

<u>PENAL CODE SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>ADDITIONAL AMOUNT</u>
186.22	Criminal street gang	\$15,000
667 (a) (1)	Prior serious conviction	25,000
667 (e) (1)/ 1170.12 (c) (1)	One prior serious or violent prior conviction (second strike)	50,000
667 (e) (2)/ 1170.12 (C) (2)	Two or more serious or violent prior convictions (third strike)	250,000
667.5	Habitual criminal who has gone to state prison	
	. . . On a prior violent felony (for each felony)	20,000
	. . . On any other felony (for each prior)	5,000
667.51	Commits lewd act with a child and was previously convicted of	
	. . . Committing lewd acts with children	75,000
	. . . Committing lewd acts with children (more than 2 convictions)	250,000
667.61	Sex offender – life sentences	250,000
667.6	Commits sexual offense and	
	. . . Using force or violence with a prior lewd acts with children	50,000
	. . . Has two or more priors for violent crimes	75,000
667.7	Commits a felony with means likely to cause GBI and	
	. . . Has two prior violent crime convictions	500,000
	. . . Has three prior violent crime convictions	NO BAIL
667.75	Two or more prior prison terms for using minors in drug violations	500,000
667.9	Serious felony committed against the elderly or under 14	35,000
667.10	Repeat offender of sex crimes against the disabled, elderly or under 14	35,000
12022 (a) (1)	Committing or attempting felony . . . Armed with a firearm	25,000

(a) (2)	. . . Armed with an assault rifle	25,000
(b) (1)	. . . Use of a deadly or dangerous weapon	50,000
(b) (3)	. . . While personally armed with a firearm	25,000
(c)	. . . Drug Offenses Armed with a Firearm	50,000
(d)	. . . With an accomplice who was personally armed	25,000
12022.1	Felony committed while on bail or on O/R release	15,000
12022.2	Felony committed while armed with firearm and in possession of metal-piercing ammo	25,000
1022.3	Rape or sexual abuse	
(a)	. . . Committed with a firearm or deadly weapon	50,000
(b)	. . . Committed while armed with a weapon	25,000
12022.4	Supplying firearm for commission of felony	15,000
12022.5	Commission of felony and	
	. . . Use of a firearm	25,000
	. . . Discharges a firearm at occupied vehicle	50,000
	. . . Uses firearm while violating drug laws	25,000
12022.55	Causing GBI by discharging a firearm	50,000
12022.6	Taking property with a value in excess of \$50,000	EQUAL TO VALUE OF PROPERTY
12022.7	Infliction of GBI	25,000
12022.75	Forced consumption of a drug	25,000
12022.8	GBI while committing a sexual offense	50,000
12022.85	AIDS plus commission of a sexual offense	50,000
12022.9	Death of a fetus while inflicting injury on victim	50,000
H & S 11370.1	Possession of a controlled substance while in the immediate possession of a loaded firearm	25,000
H & S 11370.2	Prior felony drug convictions	25,000